IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

TUESDAY, THE 13TH MARCH 2007 / 22ND PHALGUNA 1928

WP(C).No. 29398 of 2005(Y)

PETITIONER:
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1. LINU T. JAMES,
HSST (COMPUTER SCIENCE)
ST.THOMAS HSS, ERUMELYK KOTTAYAM.

2. VINCE JOSE, HSST (MATHEMATICS)
ST. THOMAS HSS, ERUMELY, KOTTAYAM.

3. JEENA GEORGE, HSST (COMPUTER
SCIENCE JUNIOR), ST. THOMAS HSS,
ERUMELY, KOTTAYAM.

4. GEORGEKUTTY MATHEW, HSST
(COMPUTER SCIENCE), A.M. HIGHER SECONDARY
SCHOOL, KALAKETTY.

5. MARIA LIZ JAMES,
HSST (ENGLISH), A.M. HIGHER SECONDARY
SCHOOL, KALAKETTY.

BY ADV. SRI.BENOY THOMAS

RESPONDENTS:
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1. STATE OF KERALA REPRESENTED BY THE
SECRETARY, GENERAL EDUCATION DEPARTMENT,
SECRETARIAT, TRIVANDRUM.

2. DIRECTOR OF HIGHER SECONDARY
EDUCATION, HOUSING BOARD BUILDING,
TRIVANDRUM.

3. CORPORATE MANAGER,
DIOCECE OF KANJIRAPPALLY,
KANJIRAPPALLY.

BY GOVERNMENT PLEADER SRI.T.T.MUHAMMED

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 13/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

EXT.P1 TRUE COPY OF THE G.O.(MS)NO.298/2000 DTD. 25-8-00

EXT.P2 TRUE COPY OF THE G.O.(MS)NO.199/2003 DTD. 24-7-03

EXT.P3 SERIES TRUE COPY OF THE APPOINTMENT ORDERS, JOINING CERTIFICATES AND PROPOSALS FORWARDED BY THE MANAGER TO R2

EXT.P4 TRUE COPY OF THE JUDGMENT IN W.P.(C)NO.20550/04

EXT.P5 TRUE COPY OF THE ORDER NO.ACD.B4/23553/HSE/2004 DTD. 7-9-05 PASSED BY R2.

/True Copy/

PA to Judge.

K.M.JOSEPH, J.

W.P.(C).No.29398 OF 2005

Dated this the 13th day of March, 2007

JUDGMENT

Ext.P5 is challenged by the petitioners. Petitioners were appointed as H.S.S.T./H.S.S.T.Junior on various dates in the year 2001 as mentioned in Ext.P5. But approval was not given for the said appointments. Subsequently, the manager appointed them with reference to a later date in 2002. There is refusal to grant approval with reference to the date of their original date of appointment. Petitioners approached this court earlier and this court directed by Ext.P4 judgment that the matter be considered in the light of the judgment in W.A. No.2245/02 and Ext.P3 G.O. It was so done and Ext.P5 order was passed not granting approval with effect from the date on which they were originally appointed. Petitioners rely on the decision of the learned Single Judge in W.P. (C)No.22868/04.

2. I heard learned counsel for the petitioners and learned Government Pleader also.

3. I feel that the question as to whether petitioners are entitled to the benefit of approval of the appointment with reference to the original date of appointment should be re-considered taking note of the judgment of the learned Single Judge in W.P.(C)NO.22868/04. Accordingly, Ext.P5 is quashed and the second respondent is directed to re-consider the matter and take a decision in accordance with law after taking note of the judgment in W.P.(C)No.22868/04 with opportunity of hearing to the first petitioner as the representative of the petitioners within a period of two months from the date of receipt of a copy of this judgment.

Writ petition is disposed of as above.

K.M.JOSEPH
JUDGE

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